

SUGAR CITY PLANNING AND ZONING MEETING MINUTES
PUBLIC HEARING - TUESDAY, JUNE 25, 2019,

Commissioners in attendance: Dave Thompson, Dan Mecham, Christine Lines, Quinton Owens, Paul Jeppson

Others in attendance: City Deputy-Clerk Shelley Jones, City Building Inspector Cliff Morris, City Attorney Dylan Anderson, Developers Ryan and Jeff Lerwill and Ray McDougal, Draftsman Blake Walker of South Fork Design

Citizens: Bruce Arnell, Joy Ball, Spencer Cook, Tim Frogue, Kimber Jones, Elaine King, Barbara Lusk, Catherine Nielsen, Amee Owens, Ron Smith

7:26 p.m.

The meeting was called to order by Dave Thompson.

PUBLIC HEARING FOR OLD FARM TOWNHOMES:

Chairman Thompson stated that Deputy Clerk Shelley Jones attested that all required notices regarding the hearing had been published, mailed and posted in a timely fashion as required by Sugar City Code and Idaho State law. Chairman Thompson then asked the commission member if there had been any ex parte communications before the meeting and all members stated there had not been.

Ray McDougal of Mac Brothers Holdings submitted an application for a Preliminary Plat for Old Farm Townhomes Phased Development for property located in Old Farm Estates Division # 3, a portion of Lot 3 & Lot 4, Block 15, Sugar City, Idaho. The Old Farm Townhome Development includes three buildings, two with six units each and one with four units totaling 16 units.

Blake Walker of South Fork Design Group introduced the Preliminary Plat Application. Mr. Walker stated that this development presented solutions for families to have the ability to purchase and own an affordable home. Townhomes are allowed in the city code with the zoning and density specified.

There were ten members of the public in attendance at the public hearing that signed in for this hearing and indicated if they were for, against, or neutral.

Public Hearing Sign-In Sheet:

Of those who indicated, six were in favor, two were neutral, and two against.

Marked for:

- Ron Smith
- Bruce Arnell
- Kimber Jones (**verbal**) felt this community needs affordable housing.
- Ray McDougal (**verbal**) felt this creates affordable housing, townhomes are more affordable than cottage homes and would be nice for our community and will give young people an opportunity to own a home.
- Ryan Lerwill (**verbal**) stated there is a market demand for more affordable homes, such as townhomes. Mr. Lerwill also stated that the previous talk of 1800 apartments going in here has no truth. These are single family homes that will be individually owned. They will be good for the area. According to Smart Growth Solutions, this can be salvation for the future housing crisis.
- Blake Walker

Marked neutral:

- Elaine King (**verbal**) questioned the densities complying with code.
- Joy Ball (**verbal**) stated that the development agreement should be used as a guide for smart growth and appreciated the number of units being cut back from allowable density. Mrs. Ball gave a statement to the commission. See attachment #1.

Marked against:

- Barbara Lusk (**verbal**) had concerns about snow removal, narrow roads, ample parking and minimal landscaping and asked if there would be street lighting.
- Timothy Frogue

Closing comments:

Blake Walker addressed the statements. He felt the townhomes would be a good fit and beneficial to the community. The homes will be metered separately and owners will pay their own utilities. There is designated snow removal areas, there will be landscaping and lighting and the parking is compliant with city code. The density is under allowable maximum. Mr. Walker also stated that he and Building Inspector Cliff Morris met with Fire Inspector Dale Pickering to review all plans and there were no concerns.

City Attorney Dylan Anderson addressed Joy Ball's concern about the development agreement.

A new development agreement is being worked on at this time and has not yet been submitted to the city.

7:53 p.m. Public hearing ended.

PUBLIC HEARING FOR TARGHEE TOWNHOMES:

The meeting was called to order by Dave Thompson.

Chairman Thompson stated that Deputy Clerk Shelley Jones attests that all required notices regarding the hearing had been published, mailed and posted in a timely fashion as required by Sugar City Code and Idaho State law. Chairman Thompson then asked the commission member if there had been any ex parte communications before the meeting and all members stated there had not been.

Lerwill Development of Rexburg, Idaho, submitted a Preliminary Plat Application for Targhee Townhomes Phased Development for property located in Old Farm Estates Division # 3, Lot 4, Block 15, Sugar City, Idaho. The Targhee Townhome Development includes eight buildings with six units each totaling 48 units.

Blake Walker of South Fork Design Group introduced the Preliminary Plat Application. Mr. Walker stated that this development is in two phases. The second phase will be driven by demand. Townhomes are allowed in the zone and buildings meet setbacks and green space requirements. They have mitigated any clear vision triangle concerns and the concerns with backing into the roadway by changing the driveway to one approach instead of two. The plans allow for adequate snow storage.

There were ten members of the public in attendance at the public hearing that signed in for this hearing and indicated if they were for, against, or neutral.

Public Hearing Sign-In Sheet:

Of those who indicated, six were in favor, two were neutral, and two against.

Marked for:

- Ron Smith
- Bruce Arnell (**verbal**) would like to see adequate landscaping and suggested adding an extra egress road in the development.
- Kimber Jones
- Ray McDougal
- Ryan Lerwill (**verbal**) stated there is a market demand for more affordable homes, such as townhomes. Mr. Lerwill also stated that the previous talk of 1800 apartments going in here has no truth. These are single family homes that will be individually owned. They will be good for the area. According to Smart Growth Solutions, this can be salvation for the future housing crisis.
- Blake Walker

Marked neutral:

- Elaine King

- Joy Ball (**verbal**) stated that the development agreement should be used as a guide for smart growth and appreciated the number of units being cut back from allowable density. She had concerns about increased traffic. Mrs. Ball gave a statement to the commission. See attachment #1.

Marked against:

- Barbara Lusk (**verbal**) had concerns about snow removal, narrow roads, ample parking and minimal landscaping and asked if there would be street lighting.
- Timothy Frogue

Closing comments:

Blake Walker addressed the statements. He stated that a traffic study had been done and was approved based on the maximum allowable density. There is adequate lighting planned. There is more than the required open space. Mr. Walker also stated that he and Building Inspector Cliff Morris met with Fire Inspector Dale Pickering to review all plans and there were no concerns. He also made a plea to the city to make the application process easier for applicants.

Commissioner Jeppson questioned if a new development agreement was being drawn up. Ryan Lerwill stated one is currently being worked on by the attorneys. City Attorney Dylan Anderson addressed Joy Ball's concern about the development agreement. A new development agreement is being worked on at this time and has not yet been submitted to the city.

8:23 p.m. Public Hearing Ended

Chairman Thompson stated the letter from City Engineer did not get read with concerns for the previous two hearings. The commission then needed to re-open the hearings to share Mr. Dyer's concerns.

Motion made by: Quinton Owens to re-open of **Old Farm Townhome** Public Hearing.

Motion seconded by: Paul Jeppson, all were in favor and the motion carried.

Submitted written testimony:

City Engineer Dick Dyer emailed a letter to the commission with questions about townhomes being adequately served with utilities and questioned if off-street parking was in the required setbacks and questioned if Lot 4 would be green space.

Points in Mr. Dyer's letter were addressed by Ryan Lerwill and Ray McDougal.

Chairman Thompson asked all who were for and then all who were neutral and then all who were against if they wished to change or add to their previous testimonies and none were changed.

8:30 p.m. Public Hearing Ended

Motion made by: Quinton Owens to re-open of **Targhee Townhome** Public Hearing.

Motion seconded by: Paul Jeppson, all were in favor and the motion carried.

Submitted written testimony:

City Engineer Dick Dyer emailed a letter to the commission with a question of off-street parking in the required setbacks, having an access easement to the west of the property with enough room for utilities to be placed and excavated if needed and questioned access from 5th South which is a collector street. Points in Mr. Dyer's letter were addressed by Ryan Lerwill and Ray McDougal. Chairman Thompson asked all who were for and then all who were neutral and then all who were against if they wished to change or add to their previous testimonies and none were changed. Ray McDougal stated that they thought about children's safety in designing landscaping by keeping it low profile so there would be less likelihood of blind spots. The objective for the development is affordable housing. Requiring a parking lot would make the cost too high and would create a home with no personal yard. These homes will have their own fenced private area. Ryan Lerwill stated that access can be on 5th South, just not from private driveways. Blake Walker stated that sidewalks will be maintained and will be ADA compliant. He also stated it was frustrating having the letter from Mr. Dyer given to Planning & Zoning 13 minutes before the meeting so they could not review and be prepared to discuss and address the concerns earlier. Ryan Lerwill also expressed frustration as the commission has met many times to discuss the projects and address any possible issues before this meeting.

8:57 p.m. Public Hearing Ended

PUBLIC HEARING FOR SUGAR RIDGE COTTAGE HOME PLANNED UNIT DEVELOPMENT:

The meeting was called to order by Dave Thompson.

Chairman Thompson stated that Deputy Clerk Shelley Jones attests that all required notices regarding the hearing had been published, mailed and posted in a timely fashion as required by Sugar City Code and Idaho State law. Chairman Thompson then asked the commission member if there had been any ex parte communications before the meeting and all members stated there had not been.

Blake Walker of South Fork Design Group, LLC, introduced the Planned Unit Development Application. Mr. Walker stated that this development is in six phases. The six phases are designed to be stand alone phases. All interior roads are private. The development will be maintained by a Homeowners Association. There is adequate snow removal storage. It meets city code parking requirements. It is well below the maximum density allowed for the zone. The clusters of homes will share common space and amenities. The developers had to apply for a P.U.D. because the current city code does not address a cluster home development which has smaller lot sizes and setbacks. This will benefit the city and provide good affordable housing.

There were ten members of the public in attendance at the public hearing that signed in for this hearing and indicated if they were for, against, or neutral.

Submitted written testimony: Commissioner Owens read City Engineer Dick Dyer's points of concern.

City Engineer Dick Dyer emailed a letter to the commission with a question about access from 5th South which is a collector street and had concerns about the parallel parking spot in front of the garage units. He stated the utility layout will need to have proper access and connection. He made suggestion as to how the roads would be built and stated the fire code needs to be met with required road widths and access. He also asked about the balance between green space and homes in the clusters.

Public Hearing Sign-In Sheet:

Of those who indicated, six were in favor, two were neutral, and two against.

Marked for:

- Ron Smith
- Bruce Arnell
- Kimber Jones (**verbal**) felt this community needs affordable housing.
- Ray McDougal (**verbal**) stated there has been a lot of difficulties in making this development happen. There is a lot of interest in this and people like the concept. The economics of it is hard to pencil out and the application process has been difficult.
- Ryan Lerwill (**verbal**) stated there is a market demand for more affordable homes. Mr. Lerwill also stated that the previous talk of 1800 apartments going in here has no truth. These are single family homes that will be individually owned. They will be good for the area. According to Smart Growth Solutions, this can be salvation for the future housing crisis.
- Blake Walker

Marked neutral:

- Elaine King (**verbal**) had questions about P.U.D. setbacks and lot lines. She asked if this was sold to a new developer, would the same plan go through.
- Joy Ball (**verbal**) stated that the development agreement should be used as a guide for smart growth and appreciated the number of units being cut back from allowable density. She asked if the roads would also be done in phases. She was concerned about lot the small size of the cottage homes. Mrs. Ball gave a statement to the commission. See attachment #1.

Marked against:

- Barbara Lusk (**verbal**) had concerns about snow removal, narrow roads, ample parking and minimal landscaping and asked if there would be street lighting.
- Timothy Frogue

Closing comments: Blake Walker addressed the statements. He stated that there will be ADA access. The parallel parking spot was requested to add additional parking and help with safety issues as homeowners back out of garages. This meets code and has already been addressed. Ray McDougal stated that the design for the cottage homes is adapted to this climate giving garages and closer parking to the units than most cluster home developments. The utility layout was addressed by Ryan Lerwill and stated that the utilities will be a private developer issue. A P.U.D. gives a level of separation from the city. The smaller lot sizes are permissible in a P.U.D. with added green space. The suggestions of Mr. Dyer will be taken into consideration for road materials. Mr. Walker also stated that he and Building Inspector Cliff Morris met with Fire Inspector Dale Pickering to review all plans and there were no concerns. All concerns have been addressed. Walker stated that these items have been previously addressed in previous Planning & Zoning meetings. City Attorney Dylan Anderson addressed Joy Ball's concern about the development agreement. A new development agreement is being worked on at this time and has not yet been submitted to the city.

9:21 p.m. Public Hearing Ended

PUBLIC HEARING FOR SUGAR MEADOWS COTTAGE HOME PLANNED UNIT DEVELOPMENT:

The meeting was called to order by Dave Thompson. Chairman Thompson stated that Deputy Clerk Shelley Jones attests that all required notices regarding the hearing had been published, mailed and posted in a timely fashion as required by Sugar City Code and Idaho State law. Chairman Thompson then asked the commission member if there had been any ex parte communications before the meeting and all members stated there had not been.

Lerwill Development of Rexburg, Idaho, submitted an application for Sugar Meadows Cottage Homes Planned Unit Development for Property Located at Old Farm Estates Division # 3, Lot 5, Block 17, Sugar City, Idaho. The Sugar Meadows Planned Unit Development includes 44 cottage homes.

Blake Walker of South Fork Design Group, LLC, introduced the Planned Unit Development Application. Mr. Walker stated that this development is in six phases. The six phases are designed to be stand alone phases. All interior roads are private. The development will be maintained by a Homeowners Association. There is adequate snow removal storage. It meets city code parking requirements. It is well below the maximum density allowed for the zone. The clusters of homes will share common space and amenities. The developers had to apply for a P.U.D. because the current city code does not address a cluster home development which has smaller lot sizes and setbacks. This will benefit the city and provide good affordable housing. Mr. Walker also stated that he and Building Inspector Cliff Morris met with Fire Inspector Dale Pickering to review all plans and the 16 foot one way road was a concern which is too narrow for fire code. The road will be changed to 20 feet.

There were ten members of the public in attendance at the public hearing that signed in for this hearing and indicated if they were for, against, or neutral.

Submitted written testimony:

City Engineer Dick Dyer emailed a letter to the commission and had concerns about the parallel parking spot in front of the garage units. He stated the utility layout will need to have proper access and connection. He made suggestion as to how the roads would be built and stated the fire code needs to be met with required road widths and access. He also asked about the balance between green space and homes in the clusters.

Public Hearing:

Of those who indicated, six were in favor, two were neutral, and two against.

Marked for:

- Ron Smith
- Bruce Arnell (**verbal**) had a concern of road width and stated concerns for an HOA properly caring for the development.
- Kimber Jones (**verbal**) felt this community needs affordable housing.

- Ray McDougal (**verbal**) stated there has been a lot of difficulties in making this development happen. There is a lot of interest in this and people like the concept. The economics of it is hard to pencil out and the application process has been difficult.
- Ryan Lerwill (**verbal**) stated there is a market demand for more affordable homes. Mr. Lerwill also stated that the previous talk of 1800 apartments going in here has no truth. These are single family homes that will be individually owned. They will be good for the area. According to Smart Growth Solutions, this can be salvation for the future housing crisis.
- Blake Walker

Marked neutral:

- Elaine King (**verbal**) had concerns about homes being under 800 square feet and being too small and felt two story homes would not be good for retirees.
- Joy Ball (**verbal**) stated that the development agreement should be used as a guide for smart growth and appreciated the number of units being cut back from allowable density. She asked if the city is responsible for the utilities. Mrs. Ball gave a statement to the commission. See attachment #1.

Marked against:

- Barbara Lusk (**verbal**) was concerned about the size of the homes.
- Timothy Frogue

Blake Walker addressed the statements. He stated that there will be ADA access. The parallel parking spot was requested to add additional parking and help with safety issues as homeowners back out of garages. This meets code and has already been addressed. Ray McDougal stated that the design for the cottage homes is adapted to this climate giving garages and closer parking to the units than most cluster home developments. The utility layout was addressed by Ryan Lerwill and stated that the utilities will be a private developer issue. A P.U.D. gives a level of separation from the city. The smaller lot sizes are permissible in a P.U.D. with added green space. The suggestions of Mr. Dyer will be taken into consideration for road materials. All concerns have been addressed. Walker stated that these items have been addressed in previous Planning & Zoning meetings. The smallest home size is approximately 880 square feet of living space not counting a balcony or garage. Other home plans included are between approximately 1250 to 1650 square feet, so they are typically not real small homes; just homes that will be clustered. There are several plans with different layout options. One of the plans has the main living space with master bedroom on the main floor suitable for retirees.

City Attorney Dylan Anderson addressed Joy Ball's concern about the development agreement.

A new development agreement is being worked on at this time and has not yet been submitted to the city.

9:46 p.m. Public Hearing Ended

Attachment #1

A development agreement is a voluntary contract between a local jurisdiction and a person who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property. Although the agreements are voluntary, once made they are binding on the parties and their successors.

10-1-5 PLANNING AND ZONING COMMISSION

The planning and zoning commission is empowered to act consistent with the provisions of this title and shall have the following duties and such other duties as the city council may direct:

- A. Consider plat applications and make recommendations to city council concerning them;
- B. Recommend to city council conditions and considerations specific to plat applications;
- C. Review development agreements accompanying plat applications;**
- D. Recommend to city council amendments to this title as needed;
- E. Refer any petition for amendment of this title to city council; and
- F. Hear and decide appeals where an error by the administrator is alleged.

When the original plat application for OFE #3 came before P&Z, there should have been careful perusal of the original development agreement of the Stillman property, which was still in effect when it passed to the present owners. There were things not done as designated by that agreement.

I appreciate how the Lerwills have changed their original plan by cutting back the number of apartment units. I also know that it is a sacrifice for them to decrease their numbers on cottage homes and town homes.

However, I believe that the P&Z has a responsibility to make decisions based on what a development agreement offers as a guide and blueprint for smart growth which protects both the City of Sugar City as well as the developer.

Will our future citizens look back and ask why land was developed first and a development agreement came afterwards?

Thank you.

Joy Ball